

# Notice of Allowability

Application No.

10/826,125

Examiner

Sarah Song

Applicant(s)

AKASAKA, YOUICHI

Art Unit

2874

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 23 September 2005.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 0805
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's communication filed on 23 September 2005 has been carefully studied by the Examiner. The arguments advanced therein are persuasive and the rejections based upon prior art made of record in the previous Office Action are withdrawn. Claims 1-26 are pending.

#### ***Information Disclosure Statement***

2. The prior art documents submitted by the applicant in the Information Disclosure Statement filed on August 26, 2005 have all been considered and made of record (note the attached copy of form PTO-1449).

#### ***Drawings***

3. The drawings were received on 23 September 2005. These drawings are approved.

#### ***Allowable Subject Matter***

4. Claims 1-26 are allowed.

5. The following is an examiner's statement of reasons for allowance: The prior art cited is the most relevant prior art known. However, the invention of claims 1-26 distinguishes over the prior art for the following reasons. As noted by Applicant on pages 8-9 of the response, Myers et al. does not disclose a phosphate-doped optical fiber, or a continuous wavelength light system. Y. Akasaka et al. newly cited by Applicants discloses a phosphate-doped fiber exhibiting a total gain bandwidth of about 300nm, but does not disclose a CW light system coupled to the optical fiber. Foursa newly cited by Applicant discloses a CW light system coupled to a phosphosilicate fiber that appears to achieve a total gain bandwidth of about 30 nm, but does not disclose a phosphate-doped fiber or reasonably suggest a total gain bandwidth of at least 120nm. Headley et al. newly cited discloses a Raman amplifier that may comprise a phosphate-doped fiber and a

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continuous wavelength light system (see bottom of column 3 and top of column 6). However, Headley et al. does not disclose or render obvious a total gain bandwidth of at least 120 nm. There is no teaching of the prior art of record that would have indicated to one of ordinary skill in the art that the apparatus of Headley et al. would have been capable of achieving the claimed total gain bandwidth or that the claimed total gain bandwidth would have been inherently present in the apparatus of Headley et al. As such, the prior art structure is not deemed to anticipate or render obvious the claimed invention. Therefore, claim 1-13 are allowable over the prior art of record. Likewise, claims 14-26 are allowable since the prior art of record does not disclose the method of operating a communication system comprising the step of pumping continuous wavelength light on the span of phosphate-doped optical fiber to generate a total gain bandwidth of at least 120 nm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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